IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.MC.No. 752 of 2007()

(CR.NO.18/2006 OF THE EXCISE RANGE OFFICE, THIRUVANANTHAPURAM.

PETITIONER: ACCUSED NO.1 & 2
---

1. SHIJU, S/O.KANAKARAJ, MANAMKODU HOUSE, PARASUVAYCKAL DESOM, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

2. PRADEEPKUMAR S.R., S/O.SAHADEVAN, MANNADIMOOLA PUTHENVEETTIL, KUTHIRAKULAM THOZHUTHINKVU, MANIKKAL VILLAGE, NEDUMANGADU TALUK, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, THIRUVANANTHAPURAM, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

Crl.M.C.No.752 Of 2007

= = = = = = = = = = = = = =

Dated this the 20th day of June, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.18/2006 of Excise Range Office, Thiruvananthapuram against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

sj